

Remarks

Claims 1, 2, 15, 16 and 19 are amended. The amendments to the claims are for clarification purposes only and not intended to limit the scope of the claims in any way. New claim 20 is added.

Claims 1, 2, 7-9 and 11-19 are pending. Claims 2 and 7-14 are allowed. Claims 15-19 are objected to as including informalities. These claims are amended, in light of the remarks in the Office Action, to more clearly define invention. Reconsideration of the objection to claims 15-19 is respectfully requested.

Claims 1 and 15-19 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the invention and as for being incomplete and omitting essential steps. Claim 1 and 15-19 are also rejected under 35 U.S.C. § 102 as being anticipated by “Lenders aim to halve home repossessions” by “Barchard, et al.”. Reconsideration of the application is respectfully requested in light of the remarks below.

As an initial matter, the Office Action, on pages 3 and 4, reiterates the limitations of independent claim 1 and then, in parentheses, recites some examples of how these limitations may be met. Applicant notes that it is possible that those examples may correspond to the claimed invention though clearly other scenarios are also within the scope of the invention. The invention is only limited by the scope of the language in the claims and not by the examples set forth in the Office Action.

Moreover, the Examiner indicates that essential steps are omitted from independent claims 1 and 15. Specifically, the Examiner states that here is no “specific interrelationship of the transaction or monetary terms and specific constraints applied to the respective process steps involved”. Office Action, page 4, Applicant respectfully submits that such limitations are not

essential to the invention. As noted in M.P.E.P. § 2172.01, a rejection under 35 U.S.C. § 112 is appropriate if a claim fails to interrelate essential elements of the invention as defined by the applicant in the specification. As noted in the specification, in one embodiment of the invention, the entire debt of a debtor may be restructured using the steps of purchasing distressed property from the debtor, satisfying a mortgage balance remaining on the property, satisfying the debtor's outstanding personal debt and reselling the property back to the debtor at an appraised present value of the property - as is recited in independent claims 1 and 15. The specific monetary amounts relating to the steps are details which may be used in practicing the invention. However, such details are certainly not essential to practice the invention. As discussed in previous communications, the combination of these steps so as to restructure a debt of a debtor was not known in the art. The specific monetary values associated with each of these steps may be decided individually by a particular entity who desires to practice this method. Some entities may be interested in making a profit on this method, while other entities may be altruistic and simply wish to assist a debtor in restructuring his debt. As such, it is asserted that both independent claims 1 and 15 do recite all essential steps and therefore also definitively point out and distinctly claim the subject matter of the invention.

Reconsideration of the rejection of claims 1 and 15-19 under 35 U.S.C. § 112 is therefore respectfully requested in light of the remarks above.

With respect to the rejection based on 35 U.S.C. § 102, as discussed in a prior Communication dated September 13, 2005, the Barchard reference is simply devoid of any discussion of satisfying a debtor's outstanding personal debt. Some benefits of such restructuring are discussed in previous Communications and in the application itself. Moreover, while the examiner has maintained his rejection of 35 U.S.C. § 102 based on Barchard, there is

no discussion in the Office Action commenting on applicant's arguments relating to the above-referenced limitation missing from Barchard. "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." M.P.E.P. § 707.07(f). Here, applicant has responded to the rejection based on Barchard and clearly pointed out limitations in independent claims 1 and 15 which are not shown in this reference. However, the Examiner has not indicated why he still believes that the Barchard reference shows the limitations in the pending claims. As such, the Office Action is defective and applicant requests either a Notice of Allowance or a new non-final Office Action, commenting on applicant's arguments so that applicant may have the opportunity to respond. Without a commentary on applicant's argument, further prosecution of this application is frustrated.

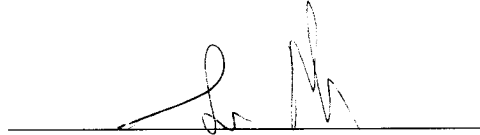
Reconsideration of the rejection of claims 1 and 15-19 under 35 U.S.C. § 102 it is respectfully requested in light of the remarks above.

Applicant appreciates the allowance of claims 2 and 7-14.

If any fees are due in this application, and such fees are not included with this response,
the Patent Office is authorized to charge deposit account 23-2820.

Respectfully submitted,

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